



September 26, 2006

**SUBJECT: Approval of Final Map (Tract No. 9491) – 5 Townhomes at 461 and 471 South Murphy Avenue**

**BACKGROUND**

Tract No. 9491 is a 5 unit townhouse project. The tentative map was approved by the Planning Commission on October 10, 2005.

Location:	461 and 471 South Murphy Avenue
Zoning:	DSP-11 (Downtown Specific Plan/Block 11)
Number of Lots:	5 building lots and 1 common lot (6 lots total)
Area:	0.37 acres

**DISCUSSION**

The final map for Tract No. 9491 has been examined by the Public Works Department staff and found to be in conformance with Sunnyvale Municipal Code Title 18 Subdivision and the State of California "Subdivision Map Act". The developer will execute the subdivision agreement and provide improvement securities (\$60,000.00 for faithful performance and \$60,000.00 for labor and material) to guarantee completion of all required improvements. The developer shall furnish related documentation and fee payments prior to map recordation.

**RECOMMENDATION**

It is recommended that the City Council approve the final map for Tract No. 9491 and direct staff to forward the final map for recordation upon developer's execution of the subdivision agreement, submittal of improvement securities, payment of development fees and other documents deemed necessary by the Director of Public Works.

Reviewed by:

Marvin A. Rose, Director, Public Works  
Prepared by: Jennifer Ng, Civil Engineer

Approved by:

Amy Chan  
City Manager

Attachment: Final Map

## OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE OWNERS OF OR HAVE SOME RIGHT TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE HEREIN MAP, THAT WE ARE THE ONLY PERSONS WHO CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY, THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY OFFER FOR DEDICATION TO PUBLIC USE, EASEMENTS FOR ANY AND ALL PUBLIC UTILITY FACILITIES INCLUDING POLES, WIRES, STORM SEWERS, GAS, WATER AND HEAT MAINS AND ALL APPURTENANCES TO THE ABOVE, UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND BETWEEN THE FRONT AND/OR SIDE LINES OF LOTS AND THE DASHED LINES AND THAT CERTAIN AREA SHOWN AS LOT 6, EACH AREA DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT). THE ABOVE MENTIONED PUBLIC SERVICE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES, STORM SEWER STRUCTURES, PRIVATE SANITARY SEWERS AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURPOSES UPON AND OVER LOT 6 AS DELINEATED HEREON AND DESIGNATED AS "P.I.E." (PRIVATE INGRESS AND EGRESS EASEMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS. SAID EASEMENT IS NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER LOT 6 FOR EMERGENCY VEHICULAR ACCESS DESIGNATED ON THE MAP AS "E.V.A.E." TO BE USED FOR EMERGENCY VEHICLE INGRESS AND EGRESS ONLY.

AS OWNER: DESMOND A. NOLAN, JAMES M. NOLAN, LAURENCE M. NOLAN

AS TRUSTEE: OLD REPUBLIC TITLE COMPANY, A CALIFORNIA CORPORATION

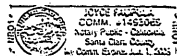
## ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) S.S.

ON 8/29/06 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DESMOND A. NOLAN PERSONALLY KNOWN TO ME (OR PROVED ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/ THEY EXECUTED THE SAME IN HIS/HER/IT/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/IT/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND:

SIGNATURE: Joyce Faupula  
PRINTED NOTARY'S NAME: Joyce Faupula  
PRINCIPAL PLACE OF BUSINESS: 1414 N. MARINER ST. SUITE 200  
COMMISSION NUMBER: 1493065  
MY COMMISSION EXPIRES: 6-1-08



## SOIL REPORT NOTE

A SOILS REPORT HAS BEEN PREPARED BY BENJAMIN J. GEOTECHNICAL ENGINEERING, INC., ENTITLED GEOTECHNICAL INVESTIGATION, PROJECT NO. 1626SCL, DATED AUGUST 13, 2006.

## ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) S.S.

ON August 29 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Joyce Faupula PERSONALLY KNOWN TO ME (OR PROVED ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/ THEY EXECUTED THE SAME IN HIS/HER/IT/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/IT/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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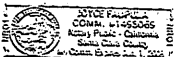
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PRINTED NOTARY'S NAME: Joyce Faupula  
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COMMISSION NUMBER: 1493065  
MY COMMISSION EXPIRES: 6-1-08



## ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) S.S.

ON August 30 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Ida Maciel PERSONALLY KNOWN TO ME (OR PROVED ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/ THEY EXECUTED THE SAME IN HIS/HER/IT/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/IT/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND:

SIGNATURE: Ida Maciel  
PRINTED NOTARY'S NAME: Ida Maciel  
PRINCIPAL PLACE OF BUSINESS: 1414 N. MARINER ST. SUITE 200  
COMMISSION NUMBER: 1493065  
MY COMMISSION EXPIRES: 6-1-08



## CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF SUNNYVALE AT ITS REGULAR MEETING HELD ON THE 29 DAY OF August, 2006, DULY APPROVED THE HEREIN FINAL MAP OF TRACT NO. 9491 AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS AS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

KATHERINE CHAPPELEAR, CITY CLERK  
CITY OF SUNNYVALE, CALIFORNIA

DATE:

BY:

KATHERINE CHAPPELEAR

# TRACT NO. 9491

CONSISTING OF TWO (2) SHEETS  
BEING LOTS 15, 16, 17, 18 AND 19 OF BLOCK "C" OF THE  
"SPALDING ADDITION TO THE TOWN OF SUNNYVALE",  
RECORDED IN BOOK "L" OF MAPS AT PAGE 41, SANTA  
CLARA COUNTY RECORDS AND LYING ENTIRELY WITHIN THE  
**CITY OF SUNNYVALE, CALIFORNIA**

JUNE, 2006

## KIRKEBY ENGINEERING

73988 DESERT GREENS DR. SO., PALM DESERT, CA

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT NO. 9491; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED.

DATE:

BARBARA KESGAN, CITY ENGINEER  
R.C.E. No. 38124, EXPIRES 3/31/2007  
CITY OF SUNNYVALE, CALIFORNIA

I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE:

HIRA RAINA, ASSISTANT CITY ENGINEER  
R.C.E. No. 29821, EXPIRES 3/31/07  
CITY OF SUNNYVALE, CALIFORNIA

## ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DES NOLAN ON MARCH 30, 2006. I HEREBY STATE THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE JULY 1, 2008, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE August 15, 2006

Marvin D. Kirkeby  
MARVIN D. KIRKEBY, R.C.E. No. 14001  
EXPIRES 3/31/2007



## RECORDER'S STATEMENT

FILED THIS 29 DAY OF August, 2006 AT SUNNYVALE IN BOOK 1493065 OF MAPS AT PAGES 41 AND 42 AT THE REQUEST OF MARVIN D. KIRKEBY,

FILE NO.

BRENDA DAVIS  
COUNTY RECORDER  
SANTA CLARA COUNTY

FEE 100.00 PAID

BY:  
DEPUTY

# TRACT No. 9491

CONSISTING OF TWO (2) SHEETS

BEING LOTS 15, 16, 17, 18 AND 19 OF BLOCK "C" OF THE  
SPALDING ADDITION TO THE TOWN OF SUNNYVALE,  
RECORDED IN BOOK "L" OF MAPS AT PAGE 41, SANTA  
CLARA COUNTY RECORDS AND LYING ENTIRELY WITHIN THE

CITY OF SUNNYVALE CALIFORNIA  
SCALE: 1"=20' JUNE, 2006

KIRKEBY ENGINEERING

73988 DESERT GREENS DRIVE, SOUTH  
PALM DESERT, CALIFORNIA 92260

## BASIS OF BEARINGS

THE BEARING N14°52'00"E OF THE CENTERLINE OF MURPHY AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN BOOK 414 OF MAPS, PAGES 8 AND 9, SANTA CLARA COUNTY RECORDS.

## LEGEND

- INDICATES FOUND 3/4" IRON PIPE.
- INDICATES SET 3/4" IRON PIPE, TAGGED R.C.E. 14-001.
- ⊙ INDICATES FOUND STANDARD CITY MONUMENT.
- INDICATES DISTINCTIVE TRACT BOUNDARY.
- P.U.E. PUBLIC UTILITIES EASEMENT.
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT.
- P.I.E.E. PRIVATE INGRESS/EGRESS EASEMENT.

## NOTES

1. THE HEAVY BORDER INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP. AREA= 0.3731 ACRES.
2. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THERE OF.

